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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,339	08/20/2003	Girma Gebreselassie	998-904IP	5860

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MYERS BIGEL SIBLEY & SAJOVEC  
PO BOX 37428  
RALEIGH, NC 27627

EXAMINER

BLANKENSHIP, GREGORY A

ART UNIT PAPER NUMBER

3612

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/644,339

Applicant(s)

GEBRESELAASSIE ET AL.

Examiner

Greg Blankenship

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/20/2003</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5-9, 12, 16-18, 21, and 25-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Campbell (6,092,854).

Campbell discloses a dash insulator substrate (4) having an opening (56) and a pass-through assembly (44). The pass-through assembly (44) has a surface that is in a face-to-face relationship with the opening (56) of the substrate (4). The opening (56) in the substrate corresponds to an opening (58) in the firewall (17). The substrate (4) is in a face-to-face contacting relationship with the firewall (17). The pass-through assembly (44) is sealed against the firewall (17), as shown in Figure 5. The pass-through assembly (44) has several apertures to receive items that extend through the openings in the firewall and the substrate. While not shown, an instrument panel is attached to the dash insulator substrate (4). A carpet floor covering is attached to the substrate (4). Sound attenuating material (18) is applied to areas of the substrate. Since the substrate (4) is an elastomeric material, it is capable of flexing such that it can move relative to both an instrument panel and a floor covering.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10, 19, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell (6,092,854).

Campbell does not disclose a variation in thickness of the sound attenuating material.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the sound attenuating material of Campbell with at least two regions of differing thickness to provide the optimum sound attenuation for model of vehicle.

5. Claims 11, 20, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell (6,092,854).

Campbell does not disclose the claimed material.

Polyurethane is a known sound attenuating material this commonly used in the automotive industry.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use polyurethane as the sound attenuating material in Campbell to provide the desired sound attenuating characteristics.

6. Claims 2, 3, 13, 14, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell (6,092,854) in view of Sakurai et al. (5,120,106).

Campbell does not disclose the claimed brake assembly.

Sakurai teaches a brake assembly that includes a brake pedal (25), attached to one side of a substrate (42), which is connected to a brake master cylinder (27), attached to the other side of substrate (42), through an aperture in a substrate (42).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to attach a brake assembly to the substrate of Campbell, as taught by Sakurai et al., such that the brake pedal is attached to one side of the substrate and the master cylinder is attached to the other side of the substrate, the two being interconnected via one of the apertures in the pass-through assembly of Campbell, to efficiently and accurately mount the brake assembly to increase product quality and decrease manufacturing time.

7. Claims 4, 15, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of references, as applied to claims 2, 3, 13, 14, 22, and 23, in view of Umeda et al. (5,082,078).

Campbell, as modified, does not disclose an accelerator pedal as claimed.

Umeda et al. teach the combination of an accelerator pedal assembly (72) with a brake assembly (14,15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine an accelerator pedal assembly with the brake assembly, of Campbell as modified, as taught by Umeda et al. resulting in an accelerator pedal assembly with a pedal attached to the first side of substrate and a linkage extending through an aperture in the pass-through assembly to efficiently and accurately mount the accelerator pedal assembly to increase product quality and decrease manufacturing time.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Blankenship whose telephone number is (703) 305-0223.

**Any response to this action should be mailed to:**

Assistant Commissioner for Patents

Washington, D.C. 20231

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**Or faxed to:**

(703) 872-9306, (for formal communications intended for entry)

**or:**

(703) 746-3511, (for informal or draft communications, please clearly label "FOR DISCUSSION PURPOSES ONLY", "PROPOSED" or "DRAFT")

gab  
September 24, 2004



9/30/04

D. GLENN DAYOAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600